

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

FUSION ELITE ALL STARS, et al.,

Plaintiffs,

v.

VARSIY BRANDS, LLC, et al.,

Defendants.

Civ. Action No. 2:20-cv-02600

JESSICA JONES, et al.,

Plaintiffs,

v.

BAIN CAPITAL PRIVATE EQUITY, et al.

Defendants.

Civ. Action No. 2:20-cv-02892

**ORDER GRANTING JOINT MOTION FOR ENTRY OF AGREED
AMENDMENT TO SCHEDULING ORDERS AND TO WITHDRAW
PRIOR MOTION**

Before the Court is the Parties' Joint Motion for Entry of Agreed Amendment to Scheduling Orders and to Withdraw Prior Motion in the above-captioned matters. (Fusion Elite, ECF No. 289; Jones, ECF No. 341.) The Parties state that, in light of their agreement to move for entry of new expert and class certification deadlines, they seek to withdraw Defendants' prior motion seeking to amend those deadlines. All Plaintiffs and Defendants in the above-captioned cases join in this Motion.

In support, the Parties explain that, after Defendants moved to amend the current deadlines for expert and class discovery, (Fusion Elite, ECF No. 285; Jones, ECF No. 334), counsel for Defendants and the Fusion Elite Plaintiffs continued meeting and conferring on potential revisions to expert and class discovery deadlines. These discussions resulted in the Parties reaching agreement on revised proposed amended dates, set out as follows:

Event	Current Deadline	<u>Jones</u> Deadline	<u>Fusion Elite</u> Deadline
Opposing Expert Reports	August 26, 2022	September 23, 2022	September 23, 2022
Rebuttal Expert Reports	October 21, 2022	December 14, 2022	November 21, 2022
Expert Witness Depositions Completed	November 11, 2022	January 24, 2023	December 16, 2022
Deadline for Motions for Class Certification and Motions to Exclude Expert Testimony	November 16, 2022	February 10, 2023	January 20, 2023
Deadline for Oppositions to Motions for Class Certification and Motions to Exclude Expert Testimony	January 11, 2023	March 31, 2023	March 3, 2023
Deadline for Replies in Support of Motions Exclude Expert Testimony	February 9, 2023	April 28, 2023	March 28, 2023
Deadline for Plaintiffs' Reply in Support of Motion for Class Certification	February 21, 2023	May 25, 2023	April 17, 2023

Moreover, the Parties state that their revised dates are supported “by extraordinary circumstances, good cause, and the Parties’ professional courtesy in working together to reach agreement.” (Fusion Elite, ECF No. 289 at PageID 5269; Jones, ECF No. 341 at PageID 7538.) According to them, Defendants’ need for additional time to analyze and respond to Plaintiffs’ expert reports (including as a result of conflicting trial conflicts for one of Defendants’ experts) led to this joint proposal.

A scheduling order “may be modified only for good cause and with the judge’s consent.” Fed. R. Civ. P. 16(b)(4). In light of the relief requested and the Parties’ cooperation in developing these proposed dates, the Court finds cause to extend these deadlines.¹ The Court therefore **GRANTS** the Motion, and **DENIES** the Defendants’ previous motion, (Fusion Elite, ECF No. 285; Jones, ECF No. 334), as **MOOT**.

IT IS SO ORDERED, this 18th day of August, 2022.

s/ Sheryl H. Lipman
SHERYL H. LIPMAN
UNITED STATES DISTRICT JUDGE

¹ Other than the extension of the scheduling deadlines expressly provided in this order, this order does not amend any prior orders in the Jones or Fusion cases.